

11-04-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE,

DATE: 1 November 2005

APPLICANT: Toby Wexler

SERIAL NO. 10/824,889

FILED: 04/14/2004

GROUP ART UNIT: 1644

EXAMINER: Kimberly Smith

FOR: An animal toe nail covering and method of manufacture

The Honorable Commissioner of Patents & Trademarks
P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT

Sir.

In response to the office action mailed 10/18/2005 please amend the above-identified application amendment filed 10/5/2005 as follows:

IN THE CLAIMS

Please amend the claim as follows: Cancel claims 8-10,12, 13,and 18-26

A copy of the claims portion of the amendment with the identified claims marked canceled is attached .

In accordance with MPEP rule 714.10 previously withdrawn claims amended as being canceled negates the requirement for additional claim fees. It is here by requested that the Notice requiring excess claims fees be rescinded and the amendment be sent to the examiner.

Reconsideration of this application is requested.

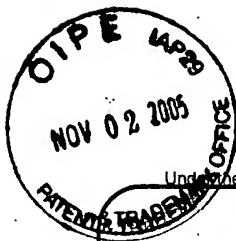
Should the examiner feel that a telephone conference would advance this application, she is encouraged to contact the undersigned at the telephone number listed below.

Please contact the submitter if any fees are due.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert N. Montgomery".

Robert N. Montgomery, Reg. No. 35,291



TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/824,889	
	Filing Date	04/14/2004	
	First Named Inventor	Toby Wexler	
	Art Unit	1644	
	Examiner Name	Kimberly Smith	
Total Number of Pages in This Submission	13	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div>Post Card</div>
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert N. Montgomery
Signature	<i>Robert N. Montgomery</i>
Date	11-2-2005

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Linda Montgomery	
Signature	<i>Linda Montgomery</i>	Date 11/2/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Date: 2 November 2005
109 Brownlee Ave.
Broussard, LA 70518
Telephone: 337-837-4042



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria, VA 22313-1450 on 11-2- 2005.

Robert N. Montgomery

Robert N. Montgomery,